

21 C.J.S. Courts § 64

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

II. Jurisdiction of Courts

D. Jurisdiction of Person

4. Particular Circumstances or Actions Affecting Exercise of Personal Jurisdiction

§ 64. Plaintiff nonresident obtaining personal jurisdiction of defendant nonresident

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  13.8(2)

The fact that a plaintiff is not a resident of the forum state generally does not preclude the exercise of personal jurisdiction over a nonresident defendant.

The fact that a plaintiff is not a resident of the forum state generally does not preclude the exercise of personal jurisdiction over a nonresident defendant,¹ but it does not relieve the plaintiff of the necessity of establishing the defendant's minimum contacts with the forum state and may play a role in diminishing the existence of the defendant's contacts.² The status of both plaintiff and defendant as nonresidents may also serve to diminish the forum's interest in the litigation as a component of the overall analysis of minimum contacts and personal jurisdiction³ and increase the forum court's attentiveness to the fairness of exercising jurisdiction over nonresidents, particularly in an action not connected to the forum.⁴ Under some statutes, when a nonresident plaintiff sues on a cause of action having no connection to the state, the defendant's contacts with the state must

be substantially higher than when the plaintiff is a resident or the cause of action is connected to the state.⁵

States are free to adopt statutes or rules disclaiming personal jurisdiction based upon a perceived lack of interest in disputes between nonresidents, and that factor can take on constitutional significance under the Due Process Clause of the United States Constitution only if it is so obviously attenuated at the outset that it affects the foreseeability of the defendant's being "haled into court" there.⁶ States may limit particular rights of action to state residents, thereby defeating jurisdiction of those actions on behalf of nonresident plaintiffs.⁷ Some state long-arm statutes do not confer personal jurisdiction over actions by a nonresident party against another nonresident party.⁸

CUMULATIVE SUPPLEMENT

Cases:

Ultimate question whether exercise of personal jurisdiction over nonresident defendant is fair and reasonable under all of the circumstances, based on the facts which are undisputed and those resolved by the court in favor of the prevailing party, is a legal determination warranting Court of Appeal's independent review. *Dongxiao Yue v. Wenbin Yang*, 62 Cal. App. 5th 539, 276 Cal. Rptr. 3d 718 (1st Dist. 2021).

[END OF SUPPLEMENT]

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 N.Y.—*Indosuez International Finance B.V. v. National Reserve Bank*, 98 N.Y.2d 238, 746 N.Y.S.2d 631, 774 N.E.2d 696 (2002).
Tex.—*Rattner v. Contos*, 293 S.W.3d 655 (Tex. App. San Antonio 2009).
- 2 Fla.—*Banco Continental, S.A. v. Transcom Bank (Barbados)*, Ltd., 922 So. 2d 395 (Fla. 3d DCA 2006).
Mich.—*MGSI Karas, Inc. v. American Arbitration Ass'n, Inc.*, 2009 WL 1362327 (Mich. Ct. App. 2009).
N.Y.—*CK's Supermarket Ltd. v. Peak Entertainment Holdings, Inc.*, 37 A.D.3d 348, 831 N.Y.S.2d 138 (1st Dep't 2007).
Tex.—*State of Rio De Janeiro of Federative Republic of Brazil v. Philip Morris Inc.*, 143 S.W.3d 497 (Tex. App. Beaumont 2004).

- 3 Cal.—*Stone v. State of Tex.*, 76 Cal. App. 4th 1043, 90 Cal. Rptr. 2d 657, 139 Ed. Law Rep. 973 (4th Dist. 1999).
- 4 Tex.—*Alenia Spazio, S.p.A. v. Reid*, 130 S.W.3d 201 (Tex. App. Houston 14th Dist. 2003).
- 5 Wis.—*Vermont Yogurt Co. v. Blanke Baer Fruit and Flavor Co.*, 107 Wis. 2d 603, 321 N.W.2d 315 (Ct. App. 1982).
- 6 Cal.—*Epic Communications, Inc. v. Richwave Technology, Inc.*, 179 Cal. App. 4th 314, 101 Cal. Rptr. 3d 572 (6th Dist. 2009).
- 7 Fla.—*East-European Ins. Co. v. Borden*, 884 So. 2d 233 (Fla. 2d DCA 2004), decision approved, 921 So. 2d 587 (Fla. 2006).
- 8 U.S.—*Submersible Systems, Inc. v. Perforadora Central, S.A. de C.V.*, 249 F.3d 413, 50 Fed. R. Serv. 3d 705 (5th Cir. 2001) (applying Mississippi law).
- Conn.—*Matthews v. SBA, Inc.*, 149 Conn. App. 513, 89 A.3d 938 (2014), certification denied, 312 Conn. 917, 94 A.3d 642 (2014).

End of Document

© 2023 Thomson Reuters. No claim to original U.S. Government Works.